

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

IN THE MATTER OF:

MIGUEL A SERRANO FIGUEROA
MARITZA BERMUDEZ BERMUDEZ
DEBTORS

CASE NO.:08-5151 GAC

CHAPTER 13

MOTION FOR CONTINUATION OF AUTOMATIC STAY

TO THE HONORABLE COURT:

The Debtors hereby move this Court, pursuant to General Order 05-12 and § 362(c)(3)(B), for an order continuing the automatic stay provided under § 362(a) as to all creditors. In support of this motion, the debtors state as follows:

1. The Debtors filed a petition under Chapter 13 on August 8, 2008.
2. The Debtors had previously filed a Chapter 13 case (08-1172 ESL) which was dismissed on August 6, 2008 because Debtors' attorney failed to provide the Trustee the pertinent payment advises required under § 521(i)(1).
3. The petition in this case has been filed in good faith. The Debtors believe that the Chapter 13 plan they have submitted is confirmable and that they will be able to fully perform under the terms of the plan.
4. The Debtors' prior Chapter 13 case (08-1172 ESL) dismissed on 08/06/2008 was the only previous case by the Debtor that was pending during the preceding year.
5. The Debtors' prior Chapter 13 case was not dismissed under § 707(b), nor because the Debtors failed to file or amend her petition or any required documents, or to provide adequate protection ordered by the Court.
6. The Debtors' prior Chapter 13 case was not dismissed at a time when there had been a motion for relief that was pending before the Court, or unresolved, or without an order terminating, conditioning or limiting the stay.

7. The financial circumstances of the Debtors have not changed and they are able to meet their financial obligations to the Trustee and to the lien holders.

WHEREFORE, the Debtors request that this Court continue the automatic stay under § 362(a) as to all creditors for the duration of this Chapter 13 proceeding, or until such time as the stay is terminated under § 362(c)(1) or (c)(2), or a motion for relief is granted under § 362(d).

CERTIFICATE OF SERVICE: I hereby certify that on Agosto 11, 2008 I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notifications of such filing to the following: Alejandro Oliveras, Chapter 13 Trustee and I further certify that I have mailed by United States Postal Service the document to all interested parties appearing on the attached master address list.

August 11, 2008



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10 DAY NOTICE: Within ten (10) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the Clerk's office of the U.S. Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the paper will be deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law; (ii) the requested relief is against public policy; or (iii) in the opinion of the Court, the interest of justice requires otherwise.

Miguel A Serrano Figueroa
Maritza Bermúdez Bermúdez
Case No. 08-5151 GAC
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DECLARATION UNDER PENALTY OF PERJURY

We declare under penalty of perjury that the foregoing is true and correct to the best of our knowledge, information and belief.

This August 11, 2008, in Toa Baja, Puerto Rico.

Miguel A Serrano Figueroa
